

REMARKS

The following is intended as a full and complete response to the Office Action mailed on November 13, 2003. Claims 1-10 were examined. The Examiner rejected claims 1-2 and 7-9 under 35 U.S.C. § 102(e) as anticipated by Albrecht. The Examiner rejected claims 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Albrecht. The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Albrecht in view of Harmon. Finally, the Examiner objected to claims 2-8 and 10.

Claims 1-8 and 11-16 remain pending in the application after entry of this response. Claims 1-8 have been amended and claims 9 and 10 have been cancelled without prejudice. New claims 11-16 have been added. No new matter has been added by either these amendments or new claims.

Claim Objections

Claims 2, 4-8, and 10 were objected to because of various informalities. Claims 2 and 4-8 have been amended to correct the informalities. Withdrawal of the objection is respectfully requested.

Claims 3 and 5 are objected to by the Examiner as being dependent upon a rejected base claim. As recommended by the Examiner, claims 3 and 5 have been rewritten in independent form as new claims 11 and 13, respectively, and, as indicated by the Examiner, language was included to provide antecedent basis for "the second holding block." For these reasons, Applicant submits that new claims 11 and 13 are in condition for allowance. Similarly, new claims 12 and 14 are also in condition for allowance since they depend from claims 11 and 13, respectively.

Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-2 and 7-9 under 35 U.S.C. § 102(e) as being anticipated by Albrecht. In response, Applicant is amending claim 1 and, as the rejection might be applied to the amended claim, traverses. Albrecht does not disclose “a guide device which ... rigidly restrains the variable-length element from moving in either direction along a first axis oriented substantially orthogonal to the longitudinal axis of the variable-length element, and rigidly restrains the variable-length element from moving in at least one direction along a second axis oriented substantially orthogonal to the longitudinal axis of the variable-length element and the first axis” as recited in claim 1. Albrecht’s guide means 13 provides rigid restraint along only one axis orthogonal to the longitudinal axis of his expansion element 7. The only restraint provided by his guide means 13 along the other orthogonal axis is frictional, which is not rigid. (See Albrecht, Figs. 1-4.) Therefore, claim 1 is patentable over Albrecht. Claims 2, 7, and 8 are also patentable over Albrecht since they depend from allowable, amended claim 1.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Albrecht. As noted above, the only restraint provided by Albrecht’s guide means 13 along the other orthogonal axis is frictional, which is not rigid. Albrecht, therefore, teaches restraining his expansion element 7 in a wholly different way than what is recited in claim 1. For this reason, Albrecht fails to teach all of the limitations in claim 1 and cannot be used to render claim 1 obvious. Therefore, claim 1 is patentable over Albrecht. Claims 4 and 6 are also patentable over Albrecht since they depend from allowable, amended claim 1.

Claims 3 and 5

Claims 3 and 5, as amended, depend from amended claim 1, which as set forth above, is allowable. Applicant submits that claims 3 and 5 are in condition for allowance as well.

New Claims 15 and 16

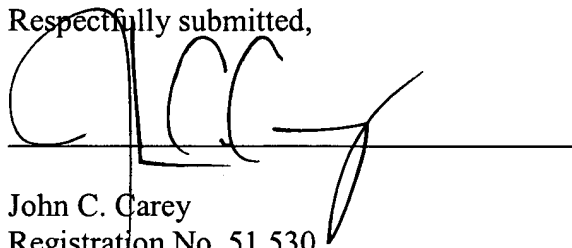
Regarding Albrecht, Albrecht does not teach, suggest, or disclose an adjustable guide device as recited in claim 15. Therefore, claim 15 is patentable over Albrecht. Claim 16 is also patentable over Albrecht since it depends from claim 15.

Regarding Albrecht in view of Harmon, as noted above, Albrecht does not teach, suggest, or disclose an adjustable guide device as recited in claim 15. Harmon does not teach, suggest, or disclose a variable length element as recited in claim 15. Both Albrecht and Harmon teach away from the Examiner's combination thereof because each reference provides an apparatus to adjust the position of one waveguide relative to another along one axis orthogonal to the longitudinal axis of the waveguides. Neither reference provides any suggestion of the desirability of an apparatus that allows the position of one waveguide relative to another to be adjusted along both axes orthogonal to the longitudinal axis of the waveguides as recited in claim 15. Therefore, claim 15 is patentable over Albrecht in view of Harmon. Claim 16 is also patentable over Albrecht in view of Harmon since it depends from claim 15.

Conclusion

Based on the above remarks, Applicant believes that he has overcome all of the rejections set forth in the Office Action mailed November 13, 2003, and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Carey', is written over a horizontal line.

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